

### REMARKS

Claims 1, 4-6, 8-11, and 13-16 are pending in the application. Claims 1, 4-6, 8-11, and 13-16 stand rejected. Favorable reconsideration of the application in view of the following remarks is respectfully requested

Claims 1, 4, 6, 8, 9, 11, and 13-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura et al. for reasons of record and for additional reasons relating to Applicants' most recent amendment. Regarding the additional reasons, the Examiner states that "...one of ordinary skill in the art would have determined the coating weight and/or thicknesses to yield intended results so that the layers are thick enough to sufficiently absorb the ink, but not have excess thickness that negatively impacts the paper handling properties without improving the appearance of images formed thereon." The Examiner further states "Based upon the coating weight disclosure of the reference, it would have been obvious to one of ordinary skill in the art to determine coating thicknesses within conventional thickness ranges and to form the outer layer so that it is less thick than the inner layer" and "...it would have been obvious to one of ordinary skill in the art to determine the amount of antioxidant that will serve its intended function in an economical manner."

This rejection is respectfully traversed, particularly with regard to the reasons of record and the additional reasons relating to claim 16.

Applicants take the position that Kitamura et al. fails to disclose the use of stabilizer particles in a base layer in addition to an image-receiving layer, nor the unexpectedly improved results obtained thereby. Specifically, Kitamura et al. teach placing the stabilizer near the imaged ink, whereas Applicants have surprisingly found a very significant improvement in placing additional stabilizer in a layer under the imaged ink. The Examiner has failed to respond to Applicants' arguments on this critical point. Applicants respectfully submit that the use of the stabilizer particles in such a radically different position in the claimed structure, which is definitely not taught by Kitamura et al., is *prima facie* unobvious (even without the unexpected results), and it would have been unpredictable that the placement of a certain amount of stabilizer in a base layer that is essentially separate from

the imaged ink in an image-receiving layer would prevent fading of the image, as discovered by Applicant.

Regarding claim 16, Applicants have amended the specification to further clarify (as already definitively stated in the previous response) that a layer consisting essentially of stabilizer particles for improved colorant fade excludes the use of UV absorbers. Since the purpose of Applicants' invention is to prevent colorant fade and UV absorbers are used by the skilled artisan to prevent colorant fade, it makes sense that UV absorbers materially affect the novel characteristics of the claimed invention.

In view thereof, it follows that the subject matter of the claims would not have been obvious of Kitamura et al. at the time the invention was made.

Claims 1, 16, and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura et al. and further in view of Chu et al. for reasons of record and for reasons given above. The rejection is traversed for the reasons given above with respect to the first rejection.

Claims 1, 16, and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura et al. and further in view of Becker for reasons of record and for reasons given above. The Examiner alleges that improvement of about 50% for color density loss is not unexpected.

This rejection is strenuously traversed. Preventing light fade in inkjet media is an extremely important attribute thereof and significantly affects the life of a photographic picture printed on such media. It is very important to consumers that their pictures have a long life. The belief among some consumers that inkjet media, compared to other imaging media, generally do not have a long life that has caused them to avoid using inkjet media to memorialize their pictures. (Recall that most commonly the first thing a person takes from a burning house is their pictures.) Clearly, an improvement of 50% in an important performance characteristic of a product would not have been obvious or someone would have done it already. Furthermore, as stated above, the use of stabilizer particles in a base layer, in addition to an image-receiving layer, is nowhere taught or suggested by the prior art, and there is no motivation for the skilled artisan to do so. Hence, the

claimed invention in *prima facie* unobvious, irrespective of the unexpected results.

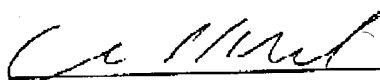
In view thereof, it follows that the subject matter of the claims would not have been obvious of Kitamura et al. and further in view of Chu et al. or Baker et al. at the time the invention was made.

Applicants have reviewed the prior art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable.

In view of the foregoing remarks and amendment, the claims are now believed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



Chris P. Konkol.  
Attorney for Applicant(s)  
Registration No. 30,721

CPK:clb  
Rochester, NY 14650  
Telephone: (585) 722-0452  
Facsimile: (585) 477-1148